
SENATE BILL No. 187

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-6.

Synopsis: Merger of townships. Requires townships to merge upon adoption of an ordinance by the county legislative body.

Effective: July 1, 2004.

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January 6, 2004, read first time and referred to Committee on Elections and Civic Affairs.

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Introduced

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

SENATE BILL No. 187

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 36-6-1.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2004]:

4 **Chapter 1.5. Merger of Townships**

5 **Sec. 1.** As used in this chapter, "former township" means a
6 township that merges with at least one (1) other township under
7 this chapter.

8 **Sec. 2.** As used in this chapter, "new township" means the
9 township that results from the merger of at least two (2) townships
10 under this chapter.

11 **Sec. 3.** At least two (2) townships may merge to form one (1)
12 township under this chapter, if:

- 13 (1) the townships are entirely located within the same county;
14 and
15 (2) all the territory within the townships is subject to the
16 merger.

17 **Sec. 4. (a)** Subject to subsection (b), the county legislative body

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of the county where the townships are located must:

(1) adopt an ordinance ordering the merger; and

(2) file a copy of the ordinance with:

(A) the circuit court clerk; and

(B) the office of the secretary of state.

(b) The county legislative body may not adopt an ordinance ordering a merger after January 1 of a year in which:

(1) a general election is held; and

(2) a township trustee is elected.

Sec. 5. The merger becomes effective when the officers of the new township are elected and qualified.

Sec. 6. If townships merge under this chapter:

(1) IC 36-6-6 applies to the election of the township board; and

(2) IC 36-6-5-1 applies to the election of a township assessor; of the new township.

Sec. 7. On the date a merger takes effect:

(1) the former townships are abolished as separate entities;

(2) the territory of the new township includes all the territory that comprised the former townships before the merger;

(3) the agencies of the former townships are abolished;

(4) the functions of the abolished agencies are assigned to agencies of the new township;

(5) the:

(A) property;

(B) records;

(C) personnel;

(D) rights; and

(E) liabilities;

related to the functions of the abolished agencies are assigned to agencies of the new township; and

(6) any bonds and other indebtedness of, or assumed by, the former townships are transferred to the new township.

Sec. 8. Upon the corporate dissolution of a township under this article, the following apply for purposes of all state and federal licensing and regulatory laws, statutory entitlements, gifts, grants-in-aid, governmental loans, or other governmental assistance under state or federal statutes, rules, or regulations:

(1) The entire geographic area and population of a new township that is established under this chapter shall be used when calculating and determining the distribution basis for the following:

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(A) State or federal government statutory entitlements.

(B) Gifts.

(C) Grants-in-aid.

(D) Loans.

(E) Any form of governmental assistance that is not listed in this subdivision.

(2) Following a public hearing for which notice is published in a newspaper of general circulation throughout the county at least thirty (30) days before the public hearing takes place, the executive of a new township that is established under this chapter shall determine and designate to the appropriate state or federal agency the:

(A) geographic areas;

(B) parts of roads;

(C) segments of population; or

(D) combinations of the items listed in clauses (A) through (C);

that constitute rural or urban areas, roads, or populations, if this designation was previously required of any township that merges under this chapter.

Sec. 9. When a new township is established under this chapter, the following occur:

(1) The resolutions, rules, and bylaws of each of the former townships:

(A) remain in force within the territory to which they applied before the merger; and

(B) continue in force until amended or repealed by the legislative body or an administrative body of the new township.

(2) Pending actions that involve any former township shall be prosecuted to final judgment and execution, and judgments rendered in those actions may be executed and enforced against the new township without any change of the name of the plaintiff or defendant.

Sec. 10. (a) On the date the formation of a new township takes effect, all money in the funds of each of the former townships is transferred to the new township. The new township:

(1) shall deposit the money in its funds that most closely correspond to the funds of the former townships; and

(2) may use the money to pay its operational and capital costs for the balance of the calendar year.

(b) After the date the formation of a new township takes effect,

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the new township is entitled to receive all distributions of taxes and other revenue that would have been made to the former townships if the merger had not occurred. The new township shall deposit the money in its funds that correspond most closely to the funds of the former townships into which the taxes or other revenue would have been deposited if the merger had not occurred.

Sec. 11. (a) The tax levies and other revenue of the former townships:

(1) are collected for the ensuing budget year in the same manner the collections would have been made if the merger had not occurred; and

(2) are considered for all purposes the tax levy and other revenue of the new township.

(b) The officers of the new township shall:

(1) fund the new township for the ensuing budget year using the combined tax levies and other revenue of the former townships; and

(2) take the following actions:

(A) obtain from the department of local government finance approval under IC 6-1.1-18.5-7 of:

(i) a budget;

(ii) an ad valorem property tax levy; and

(iii) a property tax rate;

(B) fix the annual budget under IC 6-1.1-17;

(C) impose a property tax levy; and

(D) take any action necessary to ensure the collection of fees and other revenue;

for the new township for the budget year that next follows the ensuing budget year.

SECTION 2. IC 36-6-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. (a) A township assessor shall be elected under IC 3-10-2-13 by the voters of each township having:

(1) a population of more than eight thousand (8,000); or

(2) an elected township assessor or the authority to elect a township assessor before January 1, 1979.

(b) A township assessor shall be elected under IC 3-10-2-14 in each township having a population of more than five thousand (5,000) but not more than eight thousand (8,000), if the legislative body of the township:

(1) by resolution, declares that the office of township assessor is necessary; and

(2) the resolution is filed with the county election board not later

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than the first date that a declaration of candidacy may be filed under IC 3-8-2.

(c) A township that is created by merger under IC 36-6-1.5 shall elect only one (1) township assessor under this section.

~~(c)~~ **(d)** The township assessor must reside within the township as provided in Article 6, Section 6 of the Constitution of the State of Indiana. The assessor forfeits office if the assessor ceases to be a resident of the township.

~~(d)~~ **(e)** The term of office of a township assessor is four (4) years, beginning January 1 after election and continuing until a successor is elected and qualified. However, the term of office of a township assessor elected at a general election in which no other township officer is elected ends on December 31 after the next election in which any other township officer is elected.

SECTION 3. IC 36-6-6-2, AS AMENDED BY P.L.170-2002, SECTION 147, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. (a) Except as provided in subsection (b) **and section 2.1 of this chapter**, a three (3) member township board shall be elected under IC 3-10-2-13 by the voters of each township.

(b) The township board in a county containing a consolidated city shall consist of seven (7) members elected under IC 3-10-2-13 by the voters of each township.

(c) The township board is the township legislative body.

(d) The term of office of a township board member is four (4) years, beginning January 1 after election and continuing until a successor is elected and qualified.

SECTION 4. IC 36-6-6-2.1 IS ADDED TO THE INDIANA CODE AS NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 2.1. (a) This section applies if townships merge under IC 36-6-1.5.**

(b) If two (2) townships merge, the resulting merged township shall elect a three (3) member township board. The voters of the resulting merged township shall elect all the members of the township board. One (1) member must reside within the boundaries of each of the townships that merged.

(c) If at least three (3) townships merge, the resulting merged township shall elect a township board that has the same number of members as the number of townships that merged. The voters of the resulting merged township shall elect all the members of the township board. One (1) township board member must reside within the boundaries of each of the townships that merged.

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SECTION 5. IC 36-6-6-3, AS AMENDED BY P.L.170-2002, SECTION 150, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. (a) This subsection applies to townships in a county containing a consolidated city. One (1) member of the legislative body must reside within each legislative body district. If a member of the legislative body ceases to be a resident of the district from which the member was elected, the office becomes vacant.

(b) This subsection applies to townships not included in subsection (a) **or (c)**. A member of the legislative body must reside within the township as provided in Article 6, Section 6 of the Constitution of the State of Indiana. If a member of the legislative body ceases to be a resident of the township, the office becomes vacant.

(c) This subsection applies to a township that:

(1) is created by a merger of townships under IC 36-6-1.5; and

(2) elects a township board under section 2.1 of this chapter.

One (1) member of the legislative body must reside within the boundaries of each of the former townships that merged. If a member of the legislative body ceases to be a resident of that former township, the office becomes vacant.

SECTION 6. IC 36-6-6-4, AS AMENDED BY P.L.170-2002, SECTION 151, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. (a) Except as provided in ~~subsection~~ **subsections (b) and (c)**, two (2) members of the legislative body constitute a quorum.

(b) Four (4) members of the legislative body in a county containing a consolidated city constitute a quorum.

(c) This subsection applies to a township that:

(1) is created by a merger of townships under IC 36-6-1.5; and

(2) elects a township board under section 2.1 of this chapter.

A majority of the members of the legislative body constitute a quorum. If a township board has an even number of members, the township executive shall serve as an ex officio member of the township board for the purpose of casting the deciding vote to break a tie.

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